

REMARKS**Introduction**

In response to the Office Action dated February 24, 2009, Applicants have amended the specification, the drawings, and claim 35. Care has been taken to avoid the introduction of new matter. Support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Claims 37-51 have been withdrawn from consideration.

Claims 35 and 36 are now active in this application, of which claim 35 is independent.

Drawings

The drawings were objected to under 37 C.F.R. 1.83(a). According to the Examiner, the fuel and oxidant gas channels must be shown in Figs. 1-3 and 7-9.

In response, Figs. 1(a)-1(d), 2(a)-2(d), 3(a)-3(d), 7(a), 7(b), 8(a), 8(b), and 9(a) have been amended to clearly show gas channels, water channels, fuel gas channels, heat medium channels, and oxidant gas channels. Withdrawal of the objection to the drawings is, therefore, respectfully solicited.

Claim Objection

Claim 35 was objected to because the word “forth” found in the next to the last line in the claim is incorrect. The word “forth” has been replaced with --fourth-- in this Amendment. Withdrawal of the objection to claim 35 is respectfully solicited.

Claim Rejection Under 35 U.S.C. § 112

1. Claims 35 and 36 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

According to the Examiner, the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner specifically asserted as follows (see paragraph 4 of the Office Action):

Claim 35 sets forth the terminology "contacting closely" to describe the relationship between the fuel gas channels and the anode as set forth in line 6 of claim 35 and between the oxidant gas channels and the cathode as set forth in line 10 of claim 35. There is no support for this configuration between the plates with the gas channels and the respective electrodes....

In addition, it is structurally impossible for the respective electrodes to contact the respective gas channels because the channels are grooves in a plate and thus the grooves cannot contact the particular electrode even if the plate is in direct contact with the electrode.

Applicants have amended the limitation "contacting closely and facing to" in line 6 to -- juxtaposed on the first surface and conducted with -- and that limitation "contacting closely and facing to" in line 10 to -- juxtaposed on the third surface and conducted with --.

Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 35 and 36 under 35 U.S.C. § 112, first paragraph.

2. Claims 35 and 36 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner questioned Applicants about the limitations "a plurality of fuel gas channel," "contacting closely," "disposed with the first surface," "a plurality of oxidant gas terminals," and "disposed on the third surface."

In response, claim 35 has been amended to address the issues raised by the Examiner. Applicants believe these amendments are fully responsive to the Examiner's concerns. Withdrawal of the rejection of claims 35 and 36 is, therefore, respectfully solicited.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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